

THE ABDELRAZIK CASE

Exemption should allow Canadian's repatriation

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March 17, 2009 – Globe and Mail

WASHINGTON -- Canada claims it has a "binding legal obligation" to abide by the UN terrorist blacklist, but specific exemptions to the travel ban should allow Abousfian Abdelrazik to return home from Sudan.

"The government is cherry-picking a UN resolution to suit itself," Paul Dewar, the NDP MP who has been outspoken in accusing the government of duplicity in Mr. Abdelrazik's case, said yesterday.

Mr. Abdelrazik, a Canadian citizen, has been marooned in Sudan for nearly six years. He was imprisoned there at Canada's behest, eventually released by Sudan's security services, who cleared him of terrorist links, and is now living - destitute - in the Canadian embassy in Khartoum.

More than 140 Canadians have contributed to the purchase of an airline ticket for Mr. Abdelrazik, but the Harper government is hedging on its previous promise to issue him emergency travel documents if he secured a ticket, pointing to the United Nations travel ban.

Earlier this month, in the latest formal statement of the government's position, Foreign Affairs parliamentary secretary Deepak Obhrai said: "Mr. Abdelrazik has been listed by the United Nations Security Council on the 1267 list and is therefore subject to a travel ban and assets freeze."

But publicly available UN documents show many alleged al-Qaeda operatives - some convicted, some acquitted, others like Mr. Abdelrazik never charged - who have returned to their countries under the UN Security Council's Resolution 1267 blacklist's specific exemption that allows citizens to return home.

Mr. Dewar rejected Mr. Obhrai's explanation: "Either he is truly ignorant or he is willfully ignorant," Mr. Dewar said.

In a detailed clarification of Resolution 1267's restrictions, the Security Council published guidelines last December confirming "there is no obligation under the Al-Qaida/Taliban travel ban for a Member State to deny entry into or require the departure from its territories of its own nationals, including those who hold dual nationality."

A quick review of the UN 1267 consolidated list of al-Qaeda and Taliban operatives shows repeated references to individuals being "repatriated" after being cleared of suspicion, or "deported" either to face trial or to be sent home after conviction.

Some who travelled in accordance with 1267 provisions were transported on military flights. Others flew on commercial airliners with the full knowledge of the airlines and the governments involved.

While the Harper government fingers the UN 1267 blacklist as the obstacle to bringing Mr. Abdelrazik home, it has ignored other requirements. For instance, member states are supposed to keep the UN up to date about those on the blacklist.

Yet Mr. Abdelrazik's entry still lists his address as unknown although he has been living in the Canadian embassy in Khartoum for nearly 11 months.

Mr. Abdelrazik has been cleared by the RCMP and CSIS. He has also been cleared by Sudanese police. But successive Canadian governments have refused to issue him a new passport.